UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,027	07/10/2001	Pekka Marjelund	975.357USW1	1526

32294 7590 11/22/2005

SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

EXAMINER	
PEZZLO, JOHN	

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,027	MARJELUND ET AL.	
	Examiner	Art Unit	
	John Pezzlo	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment filed 1 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-7,9 and 11-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-7, 9, 11-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 9, 2-7, and 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Pasternak et al. (US 6,654,377 B1) hereinafter Pasternak.

1. Regarding claim 9 – Pasternak discloses obtaining information related to transmission resources required for handling real time traffic in a radio network controller (the base station, callout 100 in Figure 2), refer to Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4, the "virtual framer".

Pasternak discloses reserving transmission resources for handling non-real time traffic dynamically based on a knowledge of overall available transmission resources of a respective radio transceiver device (base sector controller, callouts 204 or 214 in Figure 2) of said radio access network (refer to Figure 1) and the information related to the transmission resources

required for handling real time traffic by said respective radio transceiver, refer to "virtual shaper", column 3 lines 44 to 67 and column 4 and column 5 lines 1 to 8.

Pasternak discloses wherein the respectively reserved transmission resources are distinguished on the basis of ATM virtual path identifiers and virtual channel identifiers, refer to column 2 lines 55 to 60, wherein the reserving step preselects the transmission resources for the respective radio transceiver device, refer to Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4 and column 5 lines 1 to 8.

Pasternak discloses transmitting prevailing traffic based on an identity of the traffic to be handled by selectively addressing the ATM virtual path identifiers and virtual channel identifiers for the real time/non-real time traffic to be handled, refer to Figures 1 and 2 and 6-8 and column 2 lines 35 to 67 and columns 3 and 4 and column 5 lines 1 to 8.

2. Regarding claim 2 – Pasternak discloses said reserving of transmission resources for handling non-real time traffic resides in determining the difference between the overall available transmission resources of said radio transceiver device of said radio access network and the transmission resources required for handling real time traffic, wherein said difference is the reserved transmission resources for the non-real time traffic, refer to Figure 20 and column 15 lines 61 to 65 and column 16, Pasternak discloses both CBR (real time traffic) and VBR (non real time traffic) and the channel bandwidth is given to the CBR and the remaining channel bandwidth is given to VBR on a pre-selection basis (requests) and column 18 lines 37 to 50.

3. Regarding claim 3 – Pasternak discloses said step of obtaining and reserving is carried out repeatedly upon occurrence of an update condition (NCT, next compliant time, or RT request), refer to Figure 20 and column 15 lines 61 to 67 and column 16 lines 1 to 65 and see Figure 19 and column 14 lines 54 to 67 and column 15 lines 1 to 61 and see Figure 17 and column 13 lines 20 to 26 and column 17 lines 1 to 14.

4. Regarding claim 4 – Pasternak discloses said update condition resides in the lapse of an update period (NCT, next compliant time), refer to Figure 20 and column 15 lines 61 to 67 and column 16 lines 1 to 65.

5. Regarding claim 5 – Pasternak discloses said update condition resides in an entering of a RT bearer to the radio network or the leaving of an RT and/or NRT bearer from the network, refer to ST (RT, subscriber terminal), ST requests, see Figure 19 and column 14 lines 54 to 67 and column 15 lines 1 to 61 and see Figure 17 and column 13 lines 20 to 26 and column 17 lines 1 to 14.

6. Regarding claim 6 – Pasternak discloses said update condition resides in that a predetermined time of a day is reached, roll over of the clock, refer to column 19 lines 38 to 67 and column 20 lines 1 to 8.

7. Regarding claim 7 – Pasternak discloses in a very first obtaining step, a predetermined value (connection set up time) for the transmission resources required for handling real time

traffic is used, and in all subsequent obtaining steps, a detected value of the actually required transmission resources (NCT) for handling real time traffic is used, refer to column 2 lines 35 to 67 and columns 3 and 4 and column 5 lines 1 to 8.

8. Regarding claim 11 – Pasternak discloses obtain information related to transmission resources required for handling real time traffic in a radio network controller, (the base station, callout 100 in Figure 2), refer to Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4, the "virtual framer".

Pasternak discloses reserve transmission resources for handling non-real time traffic dynamically based on a knowledge of overall available transmission resources of a respective radio transceiver device of said radio access network and the information related to the transmission resources required for handling real time traffic by said respective radio transceiver, refer to "virtual shaper", column 3 lines 44 to 67 and column 4 and column 5 lines 1 to 8.

Pasternak discloses wherein the respectively reserved transmission resources are distinguished on the basis of ATM virtual path identifiers and virtual channel identifiers, refer to column 2 lines 55 to 60, and reserved by preselecting the transmission resources for the respective radio transceiver device, refer to Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4 and column 5 lines 1 to 8.

Pasternak discloses transmit prevailing traffic based on an identity of the traffic to be handled by selectively addressing the ATM virtual path identifiers and virtual channel identifiers for the real time/non-real time traffic to be handled, refer to Figures 1 and 2 and 6-8 and column 2 lines 35 to 67 and columns 3 and 4 and column 5 lines 1 to 8.

9. Regarding claim 12 – Pasternak discloses obtaining means for obtaining information related to transmission resources required for handling real time traffic in a radio network controller, (the base station, callout 100 in Figure 2), refer to Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4, the "virtual framer".

Pasternak discloses reserving means for reserving transmission resources for handling non-real time traffic dynamically based on a knowledge of overall available transmission resources of a respective radio transceiver device of said radio access network and the information related to the transmission resources required for handling real time traffic by the said respective radio transceiver, refer to "virtual shaper", column 3 lines 44 to 67 and column 4 and column 5 lines 1 to 8.

Pasternak discloses wherein the respectively reserved transmission resources are distinguished on the basis of ATM virtual path identifiers and virtual channel identifiers, refer to column 2 lines 55 to 60.

Pasternak discloses transmitting means for transmitting resources for the respective radio transceiver devices and to transmit prevailing traffic based on an identity of the traffic to be handled by selectively addressing the ATM virtual path identifiers and virtual channel identifiers for the real time/non-real time traffic to be handled, refer to Figures 1 and 2 and 6-8 and column 2 lines 35 to 67 and columns 3 and 4 and column 5 lines 1 to 8.

10. Regarding claim 13 – Pasternak discloses receive, from a radio access network control device, information relating to reserved transmission resources for handling non-real time traffic

and for handling real time traffic, wherein the respectively reserved transmission resources are distinguished on the basis of ATM virtual path identifiers and virtual channel identifiers, refer to "virtual shaper", column 3 lines 44 to 67 and column 4 and column 5 lines 1 to 8.

Pasternak discloses use the reserved transmission resources for transmission, based on the ATM virtual path identifiers and virtual channel identifiers, by allocating respective traffic to corresponding channel elements distinguished on the basis of ATM virtual path identifiers and virtual channel identifiers, refer to Figures 1 and 2 and 6-8 and column 2 lines 35 to 67 and columns 3 and 4 and column 5 lines 1 to 8.

Pasternak discloses reserve by preselecting the transmission resources for the respective radio transceiver device. and transmit prevailing traffic based on an identity of the traffic to be handled by selectively addressing the ATM virtual path identifiers and virtual channel identifiers for the real time/non-real time traffic to be handled, refer to Figure 20 and column 15 lines 61 to 65 and column 16, Pasternak discloses both CBR (real time traffic) and VBR (non real time traffic) and the channel bandwidth is given to the CBR and the remaining channel bandwidth is given to VBR on a pre-selection basis (requests) and column 18 lines 37 to 50.

11. Regarding claim 14 – Pasternak discloses the information is obtained by the radio network controller (the base station, callout 100 in Figure 2), refer to Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4, the "virtual framer".

12. Regarding claim 15 – Pasternak discloses obtain information related to transmission resources required for handling real time traffic in a radio network controller, wherein the

information is obtained by the radio network controller (the base station, callout 100 in Figure 2), refer to Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4, the "virtual framer".

13. Regarding claim 16 - Pasternak discloses the obtaining means for obtaining information related to transmission resources required for handling real time traffic in a radio network controller, the information is obtained by the radio network controller (the base station, callout 100 in Figure 2), refer to Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4, the "virtual framer".

Response to Arguments

Applicant's arguments filed 1 November 2005 have been fully considered but they are not persuasive.

Applicants argue on page 12 of the response that the reference does not disclose "obtaining information related to transmission resources required for handling real time traffic in a radio network controller". The examiner respectively disagrees. The examiner has referred to Pasternak, Figures 1 and 2 and column 2 lines 35 to 67 and columns 3 and 4, the "virtual framer" which discloses that the base station (a radio network controller) does obtain information about the remote stations concerning their ability to handle real time services.

Applicants argue on page 13 of the response that a base station is not a network controller. The examiner respectively disagrees. The base station is managing a network of mobile stations (scheduling transmissions) as disclosed in the Pasternak reference therefore the

examiner equates that a base station is indeed a network controller, refer to Figures 1 and 2 and column 2 lines 43 to 67.

Applicants argue on page 13 of the response that Pasternak fails to disclose the feature of "reserving transmission resources for handling non-real time traffic dynamically based on a knowledge of overall available transmission resources of a respective radio transceiver device of the radio access network and the information related to the transmission resources required for handling real time traffic by the respective radio transceiver". The examiner respectively disagrees. The examiner has referred to Pasternak, refer to Figure 20 and column 15 lines 61 to 65 and column 16, Pasternak discloses both CBR (real time traffic) and VBR (non real time traffic) and the channel bandwidth is given to the CBR and the remaining channel bandwidth is given to VBR on a pre-selection basis (requests) and column 18 lines 37 to 50.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

500 Dulany Street

Alexandria, VA.

John Pezzlo

18 November 2005

JOHN PEZZLO
PRIMARY EXAMINER